

EXHIBIT E

IN THE COURT OF COMMON PLEAS
OF HUNTINGDON COUNTY, PENNSYLVANIA
CIVIL DIVISION - IN REM

IN RE: CONDEMNATION BY SUNOCO	:	Docket No. 2015-0972
PIPELINE L.P. OF PERMANENT AND	:	
TEMPORARY RIGHTS OF WAY FOR	:	
THE TRANSPORTATION OF	:	
ETHANE, PROPANE, LIQUID	:	
PETROLEUM GAS, AND OTHER	:	EMINENT DOMAIN – IN REM
PETROLEUM PRODUCTS IN THE	:	
TOWNSHIP OF UNION, HUNTINGDON	:	
COUNTY, PENNSYLVANIA, OVER THE	:	
LANDS OF STEPHEN GERHART AND	:	
ELLEN S. GERHART	:	

**CONDEMNOR SUNOCO PIPELINE L.P.'S PETITION
FOR DETERMINATION OF INDIRECT CRIMINAL CONTEMPT**

Condemnor Sunoco Pipeline L.P. ("Sunoco Pipeline"), by and through its undersigned counsel, hereby moves for a determination that Condemnee Ellen Gerhart has engaged in indirect criminal contempt of this Court's preliminary injunction order of June 28, 2017, and requests that she be sanctioned appropriately for her willful defiance of the Order. In support of its Petition, Sunoco Pipeline avers as follows:

1. In January 2016, this Court overruled in their entirety Condemnees' preliminary objections to the Declaration of Taking. The Court's decision was subsequently affirmed by the Commonwealth Court and Condemnees' petition for review by the Supreme Court was denied.
2. In April 2017, the Court issued a writ of possession.
3. Condemnee Ellen Gerhart refused to accept the January 2016 decision of

this Court, the affirmance by the appellate courts, or the writ of possession, and made clear through social media, as well as numerous statements and videos, her intention to confront, obstruct and block, through "direct action" tactics, Sunoco Pipeline's installation of the Mariner East 2 pipeline within the granted right of way easement. As a result, Sunoco Pipeline sought a preliminary injunction to bar Condemnees and their supporters from interfering with construction of the pipeline on the property.

4. On June 28, 2017, the Court issued the preliminary injunction barring Condemnees and those working in concert with them, from, *inter alia*, engaging in obstructive conduct on the easement or being on the easement without the consent of Sunoco Pipeline. A copy of the Order is attached hereto as Exhibit "A."

5. The preliminary injunction was conditioned upon the posting of a bond in the amount of \$1,000.

6. The preliminary injunction bond was posted on June 29, 2017.

7. The preliminary injunction was initially appealed by Condemnees, but that appeal was subsequently withdrawn. No stay of the order, or of any order of the Court relating to this condemnation, has been sought by Condemnees.

8. On June 29, 2017, immediately after the Order was issued, Ellen Gerhart was quoted as stating that "her family and their supporters will not comply with the judge's order." See Exhibit "B," *State Impact*, by Phillips, Susan, June 29, 2017, at 2. Rather, Mrs. Gerhart was quoted as saying that "she's made the choice to employ direct action against construction of the Mariner East 2..." *Id.*, at 3

9. Since the preliminary injunction was issued, Ellen Gerhart has been interviewed for numerous articles and broadcasts in which she made clear that she had no intention of complying with the orders of this Court and/or allowing installation of the pipeline on her property.

10. After the issuance of the preliminary injunction, Sunoco Pipeline was required to address quality control and environmental issues on the project. The resulting change in contractors in Huntingdon County, together with a negotiated agreement with the Department of Environmental Protection, resulted in a delay of work on the Gerhart property.

11. On March 23 and 27, 2018, a Sunoco Pipeline survey crew worked at the Gerhart property to stake the perimeter of the easement and to post copies of the preliminary injunction at multiple points along the perimeter of the easement.

12. The survey crew found that the prior tree-sit structures within the easement were still in place. An assessment of site conditions led to the conclusion that the tree platforms and the ropes/wire over the easement that connected them to each other had to be removed before the next phase of construction could proceed.

13. On Sunday, April 8, 2018, after it was determined that the tree platforms were not then being occupied, Sunoco Pipeline entered the easement, severed the ropes/wires between the trees and then cut down the trees.¹

¹ Although April 8 is after the cutoff date established in US Fish and Wildlife Service ("FWS") guidelines for cutting trees that could be Indiana Bat habitats, as in

14. During the removal process, Ellen Gerhart grabbed a safety line of one of the crew members who climbed the tree to ensure that there were no occupants in the platform before it was removed. She then pulled on the safety rope, threatening to bring the worker down from the tree. However, a member of the crew working on the ground saw her efforts and was able to grab and secure the line before she was able to cause serious injury or death to the worker in the tree.

15. The following week, active work began on the site to remove the downed trees. During this process, Ellen Gerhart entered the easement several times and sat on downed trees. Because work was being performed elsewhere at the time, security for the work crew monitored her and requested that, for her own safety, she vacate the easement, but did not seek to remove her.

16. Shortly thereafter, Ellen Gerhart moved closer to the active work area, placing herself partially within the easement in a manner so as to cause the workers to cease work near her to avoid injury to her. She was advised by security to move out of the easement to avoid the risk of injury. When she refused to do so, the worker proceeded past her to work on another log. She then hurried to get in front of him to interfere with work there.

2016, Sunoco Pipeline coordinated the activity with FWS personnel to obtain approval to proceed. A wildlife biologist was on site to inspect the specific trees and after confirming that there were no bat habitats present, he authorized the removal of the trees.

17. Over the next week or so, Ellen Gerhart consistently sought to harass and disrupt the construction work, regularly entering the easement and, when work was being done near the edge of the easement, positioning herself just on the edge so that a risk of injury to her would cause the workers to delay or stop the work. Nevertheless, work continued at the site at a steady pace.

18. During this period, several survey and boundary stakes on the easement were found to have been knocked over or removed. While Sunoco Pipeline does not know if Ellen Gerhart did so, she was seen, and videographed, kicking one such stake.

19. On April 26, 2018, after apparently determining that her harassing conduct was not effectively impeding the work, Ellen Gerhart escalated her tactics. That morning, she entered the center of the easement and placed herself directly in the path of the work. She also placed herself in front of machinery to block the use of the equipment. Attached hereto As Exhibit "C" are photographs taken of Ellen Gerhart on April 26 obstructing and interfering with the work in the middle of the easement.

20. Because of the intentional and reckless interference by Ellen Gerhart, the work crew determined that the risk of injury to her was too high to proceed and was forced to stop work and left the easement for a short period.

21. The work crew then returned to work, but Ellen Gerhart, who had left the easement when work had initially stopped, returned to the center of the easement to obstruct further work.

22. Recognizing that Ellen Gerhart presented an erratic hazard and had placed herself in danger because of the work being performed, the crew was compelled to cease work and withdrew from the site for the remainder of the day.

23. Two days later, on April 28, 2018, Ellen Gerhart again escalated her interference, directly obstructing construction efforts within the easement by standing in front of vehicles to prevent them from being used.

24. Additionally, Mrs. Gerhart removed numerous (20 – 30) survey stakes and threw them onto her property. She also ripped a construction snow fence from the hands of construction worker.

25. Copies of April 28 photographs showing Mrs. Gerhart blocking use of a vehicle, throwing survey stakes off the easement and onto her property, and pulling on the snow fence are attached hereto as Exhibit "D."

26. Pennsylvania State Police were contacted and, upon arriving at the scene, found Mrs. Gerhart uncooperative, refusing to answer questions or produce identification. The troopers did enter Mrs. Gerharts property to retrieve the stolen survey stakes.

27. Because of Mrs. Gerhart's interference and the risk of injury to her from further work, the construction crew again terminated operations for the day and moved equipment back to the staging area.

28. Courts have inherent power to enforce their orders by imposing sanctions for failure to comply with the orders. *Rouse Philadelphia Inc. v. Ad Hoc* '78, 274 Pa.

Super. 54, 71, 417 A.2d 1248, 1257 (1979).

29. Ellen Gerhart's actions in this matter to actively interfere with Sunoco Pipeline's right of way easement and to obstruct and impede work on the easement fall within the scope of "indirect" contempt of court, which is a violation of a court order that occurs beyond the court's presence. See *Commonwealth v. McMullen*, 961 A.2d 842 (Pa. 2008), citing *Commonwealth v. Ashton*, 824 A.2d 1198, 1203 (Pa. Super. 2003).

30. Contempt is either civil or criminal, although the same facts or conduct may constitute both. See *Stahl v. Redcay*, 897 A.2d 478, 486 (Pa. Super. 2006), citing *Brocker v. Brocker*, 241 A.2d 336, 339-40 (Pa. 1968).

31. If the dominant purpose of the court is to punish a refusal to obey a prior court order, the proceeding is criminal in nature. If the purpose is to coerce compliance with a court order, the proceeding is civil in nature.

32. In this matter, while Sunoco Pipeline seeks compliance of the Order, Ellen Gerhart's public statements of intent, followed by willful disobedience of the Order, compels a determination of criminal contempt and imposition of appropriate sanctions to address her intentional defiance of the Order.

33. To prove indirect criminal contempt, evidence must be sufficient to establish that the order was definite, clear, specific, and leaving no doubt in the person to whom it was addressed of the conduct prohibited; the contemnor had notice of the order; the act constituting the violation was volitional; and the contemnor acted with wrongful intent.

34. There is no right to a jury trial in a criminal contempt proceeding where the relief sought does not include incarceration for more than six months. *Commonwealth v. McMullen*, 599 Pa. 435, 961 A.2d 842 (2008).

35. Additionally, there is no limit on the monetary punishment for criminal contempt.

36. The Court has broad discretion in imposing compensatory and restitutionary damages in contempt proceedings and to remedy the harm suffered by the injured party.

37. The Court may further award attorneys' fees, as well as costs of investigating the violation and preparing for and conducting the contempt hearing.

38. The Order was clear in that it prohibits all persons "from entering, or being on the easement granted to Condemnor until the pipelines are installed...." Order, ¶12.

39. The Order was clear in that it prohibits all persons "from barring, preventing, or otherwise interfering in any way with Condemnor's access to, and use of, the easement granted to Condemnor on Condemnees property." Order, ¶13.

40. The Order was clear in that it prohibits all persons "from barring, preventing, or otherwise interfering in any way with Condemnor's installation of pipelines within the easement. Order, ¶14.

41. The Order was clear in that it prohibits all persons "from creating conditions on the right of way that create a danger to themselves and others." Order, ¶15.

42. Ellen Gerhart, as a party to this matter, has been aware of all orders issued by the Court. Moreover, copies of the June 28th Order were posted on the Gerhart property along the staked-out easement.

43. Ellen Gerhart defied the Court's Order by attempting to interfere with the work on site by entering the easement, grabbing the safety line of a worker who was in a tree and by attempting to pull him down.

44. Ellen Gerhart has defied the Court's Order by entering the easement while work was being performed on it. She has intentionally impeded and obstructed work being performed and, in so doing, created hazardous conditions, placing herself and others at increased risk of injury.

45. Because the Order was clear and specific as to prohibited conduct, because Ellen Gerhart had notice of it, because her acts were volitional and because she acted with the specific wrongful intent to interfere with Condemnor's rights, she should be determined to have acted in indirect criminal contempt of this Court's Order.

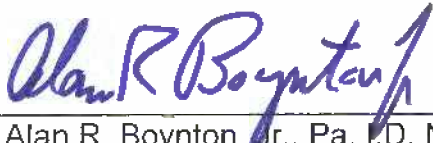
46. Ellen Gerhart should be sanctioned so as to punish her for her willful misconduct.

47. The Court should award to Sunoco Pipeline the costs and fees incurred in investigating Ellen Gerhart's willful violations and preparing for and conducting the contempt proceeding.

WHEREFORE, for the reasons set forth above, Condemnor Sunoco Pipeline L.P. respectfully requests that the Court grant its Petition and find that Ellen Gerhart has engaged in conduct in indirect contempt of this Court's Preliminary Injunction Order of June 28, 2017. Condemnor further requests that Ellen Gerhart be appropriately sanctioned, through fines and/or incarceration of no more than six months, for such contempt and that she be further required to reimburse Sunoco Pipeline for the expenses and costs, including attorneys' fees, incurred in investigating the violation and preparing for and conducting the contempt proceeding.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 
Alan R. Boynton, Jr., Pa. I.D. No. 39850
aboynnton@mcneeslaw.com
Stephanie Carfley, Pa. I.D. No. 79136
scarfley@mcneeslaw.com
Kandice Kerwin Hull, PA I.D. No. 86345
khull@mcneeslaw.com
100 Pine Street, P.O. Box 1166
Harrisburg, PA 17108
(717) 232-8000

Dated: April 30, 2018

Counsel for Condemnor Sunoco Pipeline L.P.

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF HUNTINGDON COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE: CONDEMNATION BY SUNOCO : NO. CP-31-CV-972-2015
PIPELINE L.P. OF PERMANENT AND :
TEMPORARY RIGHTS OF WAY FOR :
THE TRANSPORTATION OF :
ETHANE, PROPANE, LIQUID :
PETROLEUM GAS, AND OTHER :
PETROLEUM PRODUCTS IN THE :
TOWNSHIP OF UNION, HUNTINGDON :
COUNTY, PENNSYLVANIA, OVER THE :
LANDS OF STEPHEN GERHART AND :
ELLEN S. GERHART :

2017 JUN 28 PM 1:25
PROthonary Clerk
HUNTINGDON COUNTY

ORDER

JUN 28 2017

AND NOW, this 28th day of June, 2017, after argument held on June 27, 2017, and a careful examination of the record:

It is ORDERED that the Motion of Sunoco Pipeline L.P. for a Preliminary Injunction is GRANTED as all prerequisites for the issuance of an injunction have been established and issuing an injunction will not adversely affect the public interest. See Ambrogi v. Reber, 932 A.2d 969, 976 (Pa. Super. 2007). Therefore, it is further ORDERED that:

1. Condemnees shall immediately, but in no event more than 48 hours after issuance of this Order, remove all structures, tree platforms, tents, vehicles, equipment, and other objects placed within the easement granted to Condemnor. Any items remaining within the easement thereafter shall be viewed as abandoned illegal obstructions and shall be removed and disposed of by Condemnor or at the direction of Condemnor. Any items which cannot be readily removed may be destroyed by Condemnor.

2. Unless their presence on the easement is consented to by Condemnor, all persons are enjoined and restrained, pending further order of this Court, from entering, or being on the

6-28-17
mailed

Hy Carter - 2

Hy Rader - 2

easement granted to Condemnor until the pipelines are installed and all remediation and restoration efforts are complete.

3. Condemnees, and all persons acting in concert with them, as well as all persons on property owned by Condemnees or in the vicinity thereof are hereby restrained and enjoined, pending further order of this Court, from barring, preventing, or otherwise interfering in any way with Condemnor's access to, and use of, the easement granted to Condemnor on Condemnees' property.

4. Condemnees and all persons acting in concert with them, as well as all persons on property owned by Condemnees, are hereby restrained and enjoined pending further order of this Court from barring, preventing, or otherwise interfering in any way with Condemnor's installation of pipelines within said easement.

5. Condemnees, and all persons acting in concert with them, as well as all persons on property owned by Condemnees or in the vicinity thereof are hereby restrained and enjoined from creating conditions on the right of way that create a danger to themselves and others.

6. This Order shall be conditioned upon the posting of Condemnor's bond in the amount of \$1,000, said bond to be deposited with the Prothonotary.

7. This Order shall remain in effect in full force until such time as this Court specifically orders otherwise.

BY THE COURT:

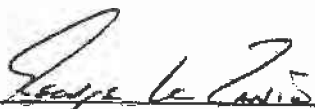

George N. Zanic, President Judge

EXHIBIT "B"

StateImpact

A reporting project of

NPR's PENNSYLVANIA

PENNSYLVANIA

Energy. Environment. Economy.

Pipeline protestors face arrest, charges on their own land

JUNE 29, 2017 | 6:40 PM

BY SUSAN PHILLIPS



UNIVERSITY OF CALIFORNIA, BERKELEY

Ellen Gerhart has been battling with Sunoco Logistics over the construction of the Mariner East 2 pipeline on their property in Huntingdon County, Pennsylvania. Court has ordered her and her supporters to not interfere with pipeline construction. Some have been sitting in trees.

Responding to a request by Sunoco Logistics, a Huntingdon County judge has ordered a family and their supporters off the construction path of the Mariner East 2, which runs through their property. The ruling by Judge George Zanic means the family could be arrested on their own land.

Ellen and Stephen Gerhart oppose construction of the pipeline on their 27-acre property in Huntingdon, Pa. Their daughter Elise, along with supporters, have built tree houses in the three remaining white pine trees that stand in the way of construction. People have been living in the trees 24/7.

"This is my home, and my family's home," said 30-year-old Elise Gerhart, standing about 50 yards away from the tree houses, beneath a camouflaged shelter on her land. "People have a right to live in peace but these corporations think their right to make money trumps that. And I don't agree with that."

The Gerharts have up until this point, lost their court battle against Sunoco's eminent domain taking. They have asked the Supreme Court to review their case. In the meantime, construction along the 350-mile natural gas liquids pipeline continues.

ABOUT STATEIMPACT PENNSYLVANIA

StateImpact Pennsylvania is a collaboration between WITF, WHYY, WESA and the Allegheny Front. Reporters Marie Cusick, Reid Frazier, Susan Phillips, and Amy Sisk cover the commonwealth's energy economy. Read their reports on this site, and hear them on public radio stations across Pennsylvania. This collaborative project is funded, in part, through grants from the Corporation for Public Broadcasting, Heinz Endowments and William Penn Foundation.

[Learn More](#) » [Support StateImpact Pennsylvania](#) »

MULTIMEDIA



AUDIO: Natural gas building boom fuels climate worries, enrages landowners



VIDEO: After The Boom



INTERACTIVE: Exploring Pennsylvania's energy economy on the Turnpike

FEATURED POSTS

Jessup frustrated with DEP response to yellow smoke, health complaints at gas power plant



Sunoco spills drilling fluid into Lebanon County creek for third time



State ethics commission investigating complaint against Wolf aide



RELATED

POSTS

- Pa. Supreme Court's landmark environmental ruling faces first test
- Sunoco seeks injunction against anti-pipeline family and supporters in Huntingdon County
- Judge rules that environmental group can challenge Sunoco over pipeline eminent domain

TOPICS



Pipelines: The new battleground over fracking

Supporters have pitched a handful of tents and built a large wood-burning stove to cook food near the Gerharts house on the property. They call the small encampment Camp White Pine. Zip lines are strung between the trees where large protest signs hang. Sunoco could not remove the remaining three trees during their clear cut operation last year because Elise Gerhart was sitting in a platform in one tree about 50 feet off the ground.

Huntingdon County Court of Common Pleas judge George Zanic ordered the family on Wednesday to remove all tents and structures that are along the easement where Sunoco plans to build the pipeline. Zanic also ordered the family and their guests not to interfere with

StateImpact Pennsylvania to expand its reach with grant from Corporation for Public Broadcasting

RECENT POSTS

Penn State researchers join international effort to study Antarctic 'doomsday' glacier

Listen: Gas reached \$3 per gallon in PA this week. Why is it getting so expensive?

As nuclear power loses ground to natural gas, environmentalists are torn: Are the risks worth saving it for climate's sake?

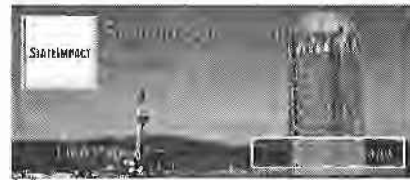
State senator files complaint asking PUC to halt Mariner East pipeline construction

Wolf joins major donor at Sixers game, skips environmental awards ceremony

pipeline construction

Ellen Gerhart, a retired public school teacher, has not been living up in the trees but says her family and their supporters will not comply with the judge's order. The Gerharts say the pipeline would cause damage to their wetlands, poses a public safety hazard, and is not in the public interest. They take issue with the fact that the bulk of the natural gas liquids will be shipped overseas to make plastics. Gerhart says her family is just one of many families along the pipeline route that has felt bullied by the company.

"Anytime when you have to stand up to a bully, you have to stand up to them," said Ellen Gerhart. "If you don't and you just cave in, they just continue doing what they're doing. And there's a point you just have to say no. We're saying no. And there are other people along this pipeline also saying no. And hopefully we get enough of us saying no loudly enough that we can stop it."



We like that of your friends to like this



Protest signs at Camp White Pine near construction of the Mariner East 2 pipeline in Huntingdon County, Pennsylvania.

Sunoco Logistics is now a subsidiary of Energy Transfer Partners, the pipeline company that battled Native American protesters and their supporters in North Dakota over the Dakota Access Pipeline. ETP hired a private security firm, which used attack dogs against protesters. A recent article in *The Intercept* refers to documents that

show the security firm TigerSwan is monitoring resistance to the construction of Mariner East 2.

Elise Gerhart says she's well aware that she could be injured, arrested or spend time in jail for her actions.

"We know some of the tactics that Energy Transfer Partners uses [against protestors,]" she said. "We know how far ETP is willing to go."

Still, she says she's made the choice to employ direct action against construction of the Mariner East 2 to protect the environment and to stand up to what she sees as a corporation given too much power by government agencies that were designed to protect the land and the people living on it.

"I take the long view," said Elise. "I see that there's a lot of trouble ahead if we don't fight."



One of three platforms and treehouses like this one that were constructed in three pine trees and stand in the way of the Mariner East 2 pipeline in Henington County, Pennsylvania. A court ordered the structure to be removed by Friday afternoon.

An attorney for Sunoco told judge Zanic during a hearing on Tuesday morning that the company had followed the law in condemning the property for eminent domain and that it needed to continue with construction to stay on schedule.

Judge Zanic had already issued a writ of possession to Sunoco in the case, which grants the company the right to evict the Gerharts from the easement. But Sunoco's attorney Alan Boynton told the judge that wasn't enough.

"Law enforcement was reluctant to enforce it," said Boynton.

Sunoco spokesman Jeff Shields says the company has no comment other than what was said in court.

The Gerhart's attorney, Rich Raiders, had argued the judge needed to consider the Supreme Court's recent decision regarding the Environmental Rights Amendment. Raiders says the judiciary now has a duty to consider harm to the state's natural resources when making decisions.

Although judge Zanic took a copy of the decision to read, it was not referenced in his injunction against the Gerharts.

Ellen Gerhart says she plans to appeal his decision to the Commonwealth Court.

Correction: An earlier version of this story mis-identified the family member sitting in the tree last year, it was Elise, not Ellen.

TOPICS



Mariner East: A pipeline project plagued by mishaps and delays



Pipelines: The new battleground over fracking

Delaware Watershed Forest Fragmentation Impact

COMMENTS

PREVIOUS POST — NJ blocks PennEast water permit again; company says it will reapply

NEXT POST In vetoing plastic bag bill, Wolf cites Environmental Rights Amendment —

PENNSYLVANIA

SUPPORT

REPORTERS



Susan Phillips
Reporter



Maria Cuelich
Reporter

Rand Frazier
Reporter



Scott Blanchard
Editor



Amy Sick
Reporter

PARTNERS

WTP

WTP

WHYY

WHYY

WESA

Pittsburgh

Allegheny Front

Allegheny

ARCHIVES

Select Month



View All Topics »

© 2018 WHYY

Privacy Policy

Terms of Use

Privacy Policy

A reporting project of

member stations

EXHIBIT "C"

Ellen Gerhart Walks onto ROW @ 0829



RR-0117

Ellen continues to walk on ROW and near equipment



Ellen stands among construction and equipment on ROW



Ellen stands in Middle of ROW for approx. 3 mins



Ellen throws material that makes contact with
dozer



RR-0121

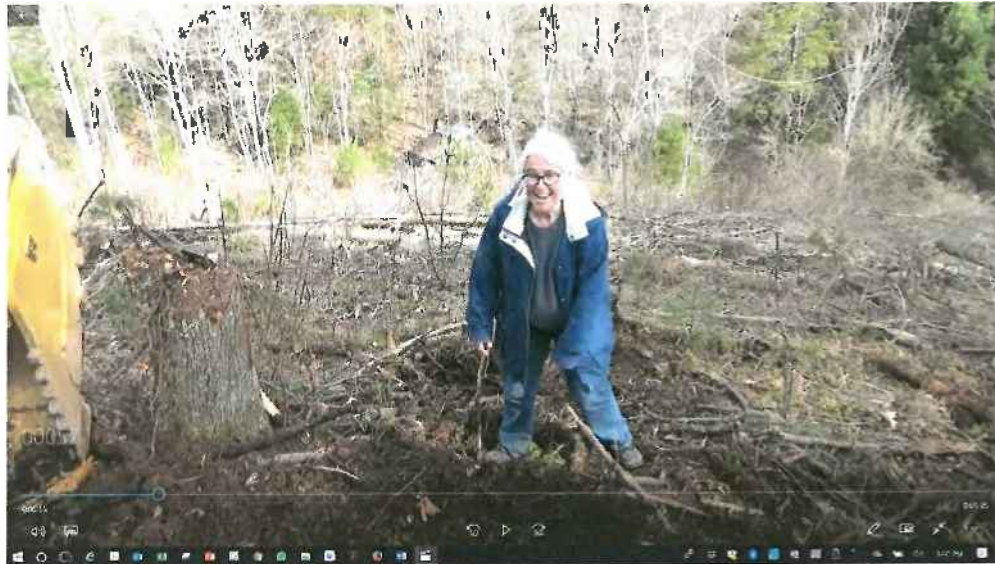
Ellen follows equipment as it is moving away from her



Ellen follows construction workers as they walk east toward access road. Harrasment



Ellen returns to ROW at 0905 as construction restarts



RR-0124

Ellen, again walks on the ROW and close to equipment



Ellen sits on felled tree pile until construction shut down for a second time @ 1030



EXHIBIT "D"

Appx 1335 EST, Ellen Gerhart enters the ROW



Appx 1336 EST, Ellen Gerhart dispatches a bundle of stakes from the ROW onto her Property (theft)



Additional imagery of the theft



Additional imagery of the theft



Appx 1337 EST, Ellen Gerhart removes snow fence from the perimeter of the ROW (vandalism)



Additional imagery of the vandalism



Additional imagery of the vandalism



Additional imagery of the vandalism



Appx 1409 EST, Ellen Gerhart identifies a moving side-by-side, moves into position to purposely impede it's travel



Additional imagery of Ellen Gerhart intentionally impeding movement of vehicle



Additional imagery of Ellen Gerhart intentionally impeding movement of vehicle



Additional imagery of Ellen Gerhart intentionally impeding movement of vehicle



Appx 1538 HLT, Pennsylvania State Police (PSP) arrives on scene



RR-0140

Appx 1539 EST, PSP initiates conversation with Ellen Gerhart



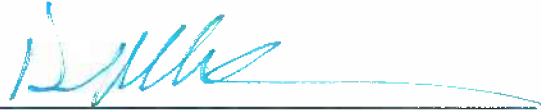
PSP attempts to gain information from Ellen Gerhart, but she is non-compliant to requests



VERIFICATION

Subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities, I hereby certify that I am a Pipeline Relocation Engineer and the Construction Spread Manager in Spread 3 for Sunoco Pipeline L.P., and that I am authorized to sign this verification on its behalf. I further verify that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information, and belief.

SUNOCO PIPELINE L.P.



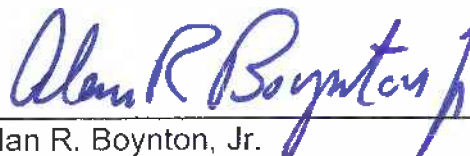
Daniel A. Kershner

Dated: 7/30/18

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on this date via email and first class mail upon the following:

Richard Alan Raiders, Esq.
Lengert & Raiders, PC
210 West Penn Avenue
PO Box 223
Robesonia, PA 19551

A handwritten signature in blue ink, reading "Alan R. Boynton, Jr.", written over a horizontal line.

Alan R. Boynton, Jr.
Attorney for Condemnor

Dated: April 30, 2018

IN THE COURT OF COMMON PLEAS
OF HUNTINGDON COUNTY, PENNSYLVANIA
CIVIL DIVISION - IN REM

IN RE: CONDEMNATION BY SUNOCO	:	Docket No. 2015-0972
PIPELINE L.P. OF PERMANENT AND	:	
TEMPORARY RIGHTS OF WAY FOR	:	
THE TRANSPORTATION OF	:	
ETHANE, PROPANE, LIQUID	:	
PETROLEUM GAS, AND OTHER	:	EMINENT DOMAIN – IN REM
PETROLEUM PRODUCTS IN THE	:	
TOWNSHIP OF UNION, HUNTINGDON	:	
COUNTY, PENNSYLVANIA, OVER THE	:	
LANDS OF STEPHEN GERHART AND	:	
ELLEN S. GERHART	:	

**CONDEMNOR'S MOTION TO SUPPLEMENT PETITION FOR
DETERMINATION OF INDIRECT CRIMINAL CONTEMPT AND TO REVOKE BAIL**

Condemnor Sunoco Pipeline L.P. ("Sunoco Pipeline"), by and through its undersigned counsel, hereby moves to supplement its pending petition for a determination that Condemnee Ellen Gerhart has engaged in indirect criminal contempt of this Court's preliminary injunction order of June 28, 2017, and further requests that Mrs. Gerhart's bail be revoked due to her post-May 9, 2018 conduct. In support of its Motion, Sunoco Pipeline avers as follows:

1. On or about April 30, 2018, Sunoco Pipeline filed its Petition for the Determination of Indirect Criminal Contempt. The Court scheduled the matter for hearing to be held on May 9, 2018.

2. Immediately prior to the start of the May 9 hearing, Mrs. Gerhart, through her counsel, requested a continuance so that she could obtain criminal counsel. The

Court granted the request and rescheduling the hearing for July 6, 2018, conditioned upon the posting of \$25,000 unsecured bail and establishing a condition of bail that Mrs. Gerhart comply with the Court's June 28, 2017 injunction.

3. The July 6, 2018 hearing was subsequently rescheduled for August 3, 2018.

4. Subsequent to issuance of the May 9 Order, Mrs. Gerhart has continued her efforts to interfere with pipeline construction as follows:

- a. While remaining off the easement, Mrs. Gerhart threw a stick at a construction worker on the easement. A criminal citation was issued arising out of the incident. A preliminary hearing on the charge was scheduled for July 25, 2018 but, at Mrs. Gerhart's request, was continued to August 30, 2018.
- b. Mrs. Gerhart spread cat feces, raw eggs, rancid milk and ground turkey meat adjacent to the easement to create a noxious odor to hamper the work and to attract wild animals to the site. She also threw some of the rancid milk and ground turkey meat onto workers.
- c. Mrs. Gerhart's efforts to bait the property was successful and, on June 24, 2018, a mountain lion was spotted on the edge of the easement. Four days later, two bears were on the easement and fresh mountain lion tracks discovered. On June 30, 2018, Mrs. Gerhart was directed by a game warden to remove the bait by July 3 or be cited for illegally luring wild animals. On July 1, Mrs. Gerhart dug a shallow hole next to the easement and placed materials in it, covering it with a plastic sheet. On the same day, a large bear then entered the easement, close to security personnel. See Exhibit A, attached hereto. Because of the risk to employees, security personnel were removed from the nearby security structure.
- d. On July 5, 2018, Mrs. Gerhart yelled to workers: "Hey, do you like the present I left for you last night or have you found them yet?"

- e. On July 13, 2018, a game warden returned to the property and found bait food had either not been removed or had been replenished. Mrs. Gerhart admits that she did so for the purpose of drawing bears to the easement. She was issued a citation.
- f. Mrs. Gerhart has started fires on her property that have been close enough to threaten damage to construction fences and equipment and required workers to extinguish the fires (from the right-of-way side of the fence) before they could damage equipment on the easement.
- g. Mrs. Gerhart brought two ½ gallon jugs of a mixture of what appeared to be liquid flammable substances, with a rag on top (something akin to a Molotov cocktail) adjacent to (within a few feet of) the easement and attempted to light it. She then retreated and took shelter behind a nearby tree, either in anticipation of the device exploding or intending to at least cause the expectation of the work crew that it would do so. When it failed to ignite, she returned and added sticks to get it to burn. While doing so, she informed the nearby workers, "How does it feel to be next to something that could possibly explode? Now you know how we feel living next to this pipeline." At 1:36 am that evening, she then spread an unknown white substance outside the easement but close to a security hut, then left the area.
- h. Mrs. Gerhart entered the right-of-way easement and place a video-camera in the face of workers, then stepped in front of a construction vehicle carrying fallen trees to a mulcher, forcing the equipment to stop operation until she left the area.
- i. On July 11, 2018, Sunoco Pipeline was advised by County personnel that Mrs. Gerhart had called the County Emergency Management office and asked about Sunoco's Emergency Response Plan and inquired, "what if there is a bomb on the pipeline?"

Attached hereto as Exhibit B are transcripts of security radio logs relating to a number of the incidents.

5. Mrs. Gerhart's conduct in baiting for wild animals, especially bears and mountain lions, placed at risk of substantial harm not only the construction workers but

also residents, including several young children, who live in the immediate vicinity of the easement.

6. Mrs. Gerhart's conduct in standing in front of construction vehicles, in throwing objects at workers, in drawing dangerous animals to the site and in lighting fires close to construction vehicles have been in violation of the injunctive bar on "creating conditions on the right of way that create a danger to themselves and others." June 28, 2017 Order, ¶ 5.

7. Mrs. Gerhart's conduct has been willfully and maliciously in violation of the injunctive bar on "interfering in any way with Condemnor's installation of pipelines within said easement." June 28, 2017 Order, ¶ 4.

8. Mrs. Gerhart's conduct is in willful and deliberate disobedience of the Order.

9. Mrs. Gerhart's increasingly dangerous and obstructive behavior has placed workers, and herself, at risk of injury and threatens damage to equipment on the easement.

10. Pipeline installation work continues on the right-of-way easement.

WHEREFORE, for the reasons set forth above, Condemnor Sunoco Pipeline L.P. supplements its pending Petition to identify the additional conduct by Mrs. Gerhart and, because of her ongoing conduct, respectfully requests that the Court find Mrs. Gerhart in contempt of the Court's Order and requests that appropriate remedies, including revocation of bail, be imposed.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 

Alan R. Boynton, Jr., Pa. I.D. No. 39850

aboynton@mcneeslaw.com

Stephanie Carfley, Pa. I.D. No. 79136

scarfley@mcneeslaw.com

Kandice Kerwin Hull, PA I.D. No. 86345

khull@mcneeslaw.com

100 Pine Street, P.O. Box 1166

Harrisburg, PA 17108

(717) 232-8000

Dated: July 26, 2018

Counsel for Condemnor Sunoco Pipeline L.P.

EXHIBIT "A"





July 1, 2018



June 28, 2018



RR-0153

June 28, 2018 at hut 4



June 28, 2018



RR-0154

EXHIBIT "B"

Leighton Radio Log

Date: 5 / 21 / 2018

"CP"= Command Post

"S"=Shift Supervisor

"P__"= Post Number

Time	To	From	Comments
0500	P-#	CP	Hourly Check – All Secure, No Trespassers
0534	CP	P-4	Ellen Gerhart is in the AO, off the RoW, dropping waste and feces nearby their position on her property.
0600	P-#	CP	Hourly Check – All Secure, No Trespassers
0700	P-#	CP	Hourly Check – All Secure, No Trespassers
0702	CP	P-#	Day Shift Change Complete
0800	P-#	CP	Hourly Check – All Secure, No Trespassers
0900	P-#	CP	Hourly Check – All Secure, No Trespassers
0942	CP	P-3	Ellen Gerhart sighted by Hut Five, heading up the Buckeye – she was sighted dumping what appeared to be cat litter with cat feces around the Hut, shouting unheard things at assets before leaving the AO
0946	CP	P-9	Ellen Gerhart moved Westbound on the Buckeye before arriving at her property, moving Northbound along 829.
1000	P-#	CP	Hourly Check – All Secure, No Trespassers
1100	P-#	CP	Hourly Check – All Secure, No Trespassers
1200	P-#	CP	Hourly Check – All Secure, No Trespassers
1300	P-#	CP	Hourly Check – All Secure, No Trespassers
1338	CP	P-9	Ellen Gerhart sighted on foot moving onto 829
1339	CP	P-3	3 sighted Ellen Gerhart, is in possession of the body camera and is getting visual.
1340	CP	P-3	LAX-2 Body Camera Activated.
1340	CP	P-3	Ellen Gerhart has left the AO, (confirmed also by P-9) returned to her home heading up her driveway
1341	CP	P-3	LAX-2 Body Camera Deactivated.
1353	CP	P-9	Ellen Gerhart sighted heading up the Buckeye Line.
1355	CP	P-3	Ellen Gerhart appears to be smashing raw eggs as well as raw meats on the trees and the area.
1401	CP	P-3	3 investigated the meat – it appeared to be ground turkey or pork smeared around the trees with the eggs.
1404	CP	P-9	Ellen Gerhart appears to be moving across the Buckeye through a neighbor's property, in the direction of the creek – site lost.
1408	CP	P-5	5 has reestablished visual on Ellen, now in the established shed reading a book.
1426	P-4	P-5	Ellen Gerhart is now walking in the direction of 4.

1445	CP	L-20	Ellen Gerhart spotted on the North Side of the RoW by Hut 4.
1448	CP	P-3	Ellen Gerhart is now on the trail heading towards the established shed.
1452	CP	P-3	Ellen Gerhart is now at the shed.
1500	P-#	CP	Hourly Check – All Secure, No Trespassers
1507	CP	P-5	Ellen Gerhart sighted heading back on the North Trail in the direction of her home.
1600	P-#	CP	Hourly Check – All Secure, No Trespassers
1700	P-#	CP	Hourly Check – All Secure, No Trespassers
1800	P-#	CP	Hourly Check – All Secure, No Trespassers

_____Initial Completed

Leighton Radio Log

Date: 5 / 22 / 2018

“CP”= Command Post

“S”=Shift Supervisor

“P__”= Post Number

Time	To	From	Comments
1800	P-#	CP	Hourly Check-All Secure, No Trespassers
1900	P-#	CP	Hourly Check-All Secure, No Trespassers
2000	P-#	CP	Hourly Check-All Secure, No Trespassers
2100	P-#	CP	Hourly Check-All Secure, No Trespassers
2122	CP	P-8	Unknown vehicle pulled into Gerhart's driveway. P-8 is unable to give a description, just saw unknown vehicle's headlights.
2200	P-#	CP	Hourly Check-All Secure, No Trespassers
2238	CP	P-8	A second unknown vehicle pulled into Gerhart's driveway.
2302	P-#	CP	Hourly Check-All Secure, No Trespassers
0000	P-#	CP	Hourly Check-All Secure, No Trespassers
0100	P-#	CP	Hourly Check-All Secure, No Trespassers
0200	P-#	CP	Hourly Check-All Secure, No Trespassers
0300	P-#	CP	Hourly Check-All Secure, No Trespassers
0400	P-#	CP	Hourly Check-All Secure, No Trespassers
0457	CP	P-8	Pick-up truck pulled up to Gerhart's driveway, stopped, turned headlights off and then turned headlights back on and drove away from Gerhart's driveway.
0500	P-#	CP	Hourly Check-All Secure, No Trespassers
0542	CP	P-4	Ellen Gerhart is near site rubbing an unknown substance on surrounding trees as well as spreading the substance on the ground.
0547	CP	S	Ellen Gerhart is near P-4 headed toward P-5, she is spreading eggs and food around the area. She also has containers of an unknown liquid and is pouring from one container to another. Command is recording footage of Ellen Gerhart doing so.
0557	CP	P-8	Ellen Gerhart observed near post carrying a blue satchel that appears to be “really full.” Walking away from P-8 toward P-5.
0600	P-#	CP	Hourly Check-All Secure, No Trespassers
0606	P-5	P-4	Ellen Gerhart headed westbound from P-5.
0613	CP	P-8	Ellen appears to now be going up her driveway.

____ Initial Completed

RR-0158

Leighton Radio Log

Date: 5 / 24 / 2018

“CP”= Command Post

“S”=Shift Supervisor

“P__”= Post Number

Time	To	From	Comments
0700	P-#	CP	Hourly Check-All Secure, No Trespassers
0800	P-#	CP	Hourly Check-All Secure, No Trespassers
0820	P-5	P-9	Ellen Gerhart sighted heading towards Post Five’s direction, walking on the secondary line (off of our RoW) – she was wielding a bag in her hand
0822	P-3	P-5	Ellen Gerhart passed by Hut Five, heading towards P-3’s AO.
0824	P-4	P-3	Ellen Gerhart sighted, moving towards P-4.
0826	CP	P-4	LAX-29 Body Camera Activated.
0826	CP	P-4	Ellen Gerhart threw feces onto the RoW, hitting one of the workers (later identified as Alex Saluka), then proceeded to pour some sort of liquid around the fence line – she did not physically move onto the RoW.
0829	CP	P-4	LAX-29 Body Camera Activated.
0831	CP	P-4	Ellen Gerhart is standing by the safety-fencing (off the RoW) but is physically throwing things onto the RoW.
0833	CP	P-4	LAX-29 Body Camera Deactivated.
0836	CP	P-4	Ellen Gerhart is leaving the AO, returning from where she initially entered in from.
0836	CP	P-3	Ellen Gerhart was sighted moving at the TEPCO moving away from the AO but heading East.
0846	CP	P-5	Ellen Gerhart was sighted walking past “The Pit”, heading pass Five.
0848	CP	P-9	Ellen Gerhart sighted moving down from the Buckeye.
0850	CP	P-9	Ellen Gerhart is moving North on 829 still wielding the large bag – “she’s moving towards the neighbor’s driveway, appears to be that she’s intending on using the neighbor’s trail.” Visual was lost shortly there-after.
0900	P-#	CP	Hourly Check-All Secure, No Trespassers
0919	CP	S-DT	Ellen Gerhart sighted on the Northside of the First Crossing, currently P-3 is on site with a camera tracking.
0929	CP	P-3	Ellen Gerhart was sighted, at the time, pouring water from the creek into a water-bottle – captured on camera.
0932	CP	P-4	LAX-29 Body Camera Activated.
0934	CP	P-4	LAX-29 Body Camera Deactivated.

0941	CP	P-4	Ellen Gerhart is now heading out of the AO, appears to be heading in the direction back to her house.
0956	CP	P-2	2 believes he sighted Ellen Gerhart, moving through the trees.
0957	CP	P-1	1 has gained visual on Ellen Gerhart, hiding behind a Hut.
0957	CP	P-2	LAX-2 Body Camera Activated.
1000	P-#	CP	Hourly Check-All Secure, No Trespassers
1004	CP	P-3	Ellen Gerhart sighted moving on the back-trail.
1008	CP	P-3	Ellen Gerhart's visual contact was reestablished, moving towards the second creek, appears to be heading towards the established shed.
1015	CP	P-5	Ellen Gerhart sighted at the established shed, moved off to the underbrush by the pond.
1100	P-#	CP	Hourly Check-All Secure, No Trespassers
1144	CP	P-4	Ellen Gerhart sighted at the second bridge by the Creek.
1149	P-5	P-4	Ellen Gerhart spotted, 5 alerted 4 that she was heading in their direction.
1156	CP	P-4	Ellen Gerhart passed by "the slope", made her way towards the established shed.
1158	CP	P-5	Ellen Gerhart heading "west, northwest out of the AO"
1200	P-#	CP	Hourly Check-All Secure, No Trespassers
1300	P-#	CP	Hourly Check-All Secure, No Trespassers
1400	P-#	CP	Hourly Check-All Secure, No Trespassers
1500	P-#	CP	Hourly Check-All Secure, No Trespassers
1600	P-#	CP	Hourly Check-All Secure, No Trespassers
1700	P-#	CP	Hourly Check-All Secure, No Trespassers
1748	CP	P-4	Ellen Gerhart sighted directly behind Hut Four.

Initial Completed

Leighton Radio Log

Date: 5 / 24 / 2018

"CP"= Command Post

"S"=Shift Supervisor

"P__"= Post Number

Time	To	From	Comments
1800	P-#	CP	Hourly Check-All Secure, No Trespassers
1829	CP	P-4	Ellen Gerhart near site, northern side
1840	CP	P-4	Ellen Gerhart is between P-4 and P-5, near where Environmental is working. P-4 reports that Ellen is yelling about suing and law suits.
1851	CP	P-3	Ellen Gerhart headed toward the TEPCO
1900	P-#	CP	Hourly Check-All Secure, No Trespassers. S , P-4 and P-5 are monitoring Ellen Gerhart's movements.
1914	CP	P-5	Ellen Gerhart is moving west on the South side of the RoW
1945	CP	P-5	Ellen Gerhart made threatening gestures implying that she was going to throw rocks at P-5. P-5 was in fear for his safety as well the safety of the line workers.
2002	S	P-5	Ellen Gerhart piling groups of sticks and rocks along RoW
2020	P-#	CP	Hourly Check-All Secure, No Trespassers
2021	CP	P-5	Ellen Gerhart headed West of TEPCO
2035	CP	P-8	Mixed silver colored conversion van pulled into Ellen Gerhart's driveway as well as a dark colored pick-up truck. Van has 1 occupant, pick-up has 2 occupants.
2039	CP	S	Ellen Gerhart is near hut 4 AO, throwing material around AO. Some of the debris material thrown hit pipe near hut 4 AO. The material she threw also hit a light tree in that AO. Command reports that Ellen Gerhart made threatening gestures and motions implying that she was about to throw rocks at S. S was fearful of his safety.
2041	CP	P-8	1 maroon colored van left Ellen Gerhart's driveway. 1 occupant.
2044	CP	S	Stock piles of rocks and sticks are being gathered into piles by Ellen Gerhart. She is leaving said piles along RoW near hut 4's AO.
2103	P-#	CP	Hourly Check-All Secure, No Trespassers
2116	CP	S	S on North side of Hut 4, Ellen Gerhart is seen approaching AO with flashlight. Ellen Gerhart threw stagnant milk, hitting S as well as RoW. She also has

			rancid ground meat and is spreading it along RoW. S body cam LAX-7, has been activated.
2121	CP	S	Ellen Gerhart is now leaving P-4 RoW and heading east toward A-FRAME.
2126	CP	S	Body cam LAX-7 activated, Ellen Gerhart came out of the trees with a flashlight, 2 ½ gallon milk jugs, rancid smelling ground meat, and bottles filled with liquid. She mixed leaves, sticks, the liquid from the bottles and other unknown materials into the 2 milk jugs as well as the rancid meat container and set them on fire right next to the RoW near S's AO @ hut 4.
2205	P-#	CP	Hourly Check-All Secure, No Trespassers
2219	CP	S	Fire is still going and still being fed by Ellen Gerhart.
2235	CP	S	Ellen Gerhart has started a secondary fire next to the first one. She is using the same materials to do so.
2300	P-#	CP	Hourly Check-All Secure, No Trespassers
2313	CP	S	S visual from hut 4, Ellen Gerhart is breaking sticks and pacing around talking aggressively aloud to herself, no one else is around.
0000	P-#	CP	Hourly Check-All Secure, No Trespassers
0100	P-#	CP	Hourly Check-All Secure, No Trespassers
0136	CP	P-5	Ellen Gerhart spreading white liquid along South side of RoW
0200	P-#	CP	Hourly Check-All Secure, No Trespassers
0300	P-#	CP	Hourly Check-All Secure, No Trespassers
0400	P-#	CP	Hourly Check-All Secure, No Trespassers
0500	P-#	CP	Hourly Check-All Secure, No Trespassers
0600	P-#	CP	Hourly Check-All Secure, No Trespassers

_____Initial Completed

Leighton Radio Log

Date: 5 / 25 / 2018

“CP”= Command Post

“S”=Shift Supervisor

“P__”= Post Number

Time	To	From	Comments
0700	P-#	CP	Hourly Check-All Secure, No Trespassers
0710	CP	P-#	Day Shift Change Complete
0800	P-#	CP	Hourly Check-All Secure, No Trespassers
0823	CP	P-5	Ellen Gerhart sighted in the AO, throwing food around the area but not onto the RoW at this time.
0823	CP	P-5	Ellen Gerhart placed a box of unknown contents by the pit.
0829	CP	P-5	Ellen Gerhart is “staging her supplies for the day” by the Pit on her side of the property – placing down an array of meats, cartons and half-gallon jugs of milk and other things.
0833	P-4	P-5	“4, this is 5 – double time your ass up here now with a fire extinguisher.” 4 approached, double-timing with a fire-extinguisher.
0835	CP	S-CC	Ellen Gerhart is currently standing on her property and has made a fire on her property although five feet away from a parked excavator piece of equipment by an excavator. Fire extinguisher is on site – supervisor DT advised assets to use the extinguisher if it “gets out of hand” to save equipment and to make sure she is not in the area for her safety when it is doused.
0841	CP	-	Ellen Gerhart has walked away from the fire – it appears that the fire will cause damage to the safety fencing in the immediate proximity and is currently being extinguished.
0846	CP	P-9	9 reports that there appears to be smoke in the area of his Hut.
0848	CP	S-CC	Supervisor CC reports that the smoke that 9 is seeing is coming from their position and that is now extinguished – Ellen Gerhart approached him, attempting to hit him with a stick before Supervisor dodged before contact was made.
0850	CP	S-CC	Ellen Gerhart is now approximately 20 feet to the east of where she was attempting to craft the first fire, placing tinder into the box attempting to light it.
0900	P-#	CP	Hourly Check-All Secure, No Trespassers

0934	S-CC	CP	<p>S-DT at CP: "PSP has been called they are on their way."</p> <p>S-CC: "Copy is that per the footage – over."</p> <p>S-DT at CP: "That will be for the fire and your attempted assault. Be advised you will be needing to make a written statement."</p> <p>S-CC: "Is that for hand or come back to the CP"</p> <p>S-DT at CP: "No I will be heading on site here directly."</p>
0941	CP	P-5	The box that Ellen Gerhart placed onto the ground has now caught alight – the smoke has lessened and has been exchanged for active flames, no longer smoldering.
1000	P-#	CP	Hourly Check-All Secure, No Trespassers
1030	P-5	P-9	9 sighted two individuals walking towards their AO on the Buckeye, one being positively identified as Elise Gerhart, the other is an unknown and unrecognized male.
1034	CP	P-9	9 sighted a black Camaro heading southbound on 829 believes it to be associated with the sudden sighting of Elise Gerhart and the unknown male
1042	CP	S-CC	Ellen Gerhart, Elise Gerhart, and the unknown male have been present, yelling and screaming at the assets on post. The male appears to be white with shorter-long blonde hair, ear-rings and a hat.
1045	P-3	P-4	Elise Gerhart was sighted on the Buckeye heading East on it, heading towards where P-5 and Supervisor CC is at.
1052	P-4	P-3	3 advised that Ellen Gerhart was now moving to 4's AO and to be advised.
1053	P-3	P-4	"Copy, she's just coming over from the Buckeye."
1058	P-3	P-4	Ellen Gerhart is now turning back to head towards 3's.
1100	P-#	CP	Hourly Check-All Secure, No Trespassers
1101	CP	P-9	9 sighted an unknown man on the TEPCO, walking up and down it but appeared to be on the phone – plaid shirt, glasses and a ballcap
1104	CP	P-7	7 advised CP (who then advised all assets) that a drone is about to be active in the AO.
1107	CP	S-CC	Ellen and Elise Gerhart appear to be leaving his AO, heading down the TEPCO past Hut Five.
1111	CP	P-9	9 confirmed visual of Ellen and Elise heading down the TEPCO towards 829.
1115	CP	P-9	Ellen Gerhart and Elise were sighted now walking down their driveway.

[illegible]

Date: 6 / 24 / 2018

“P__”= Post Number

[illegible]

Initial Completed

Leighton Radio Log

Date: 6 / 28 / 2018

"CP"= Command Post

"S"=Shift Supervisor

"P__"= Post Number

Time	To	From	Comments
0600	P-#	CP	Hourly Check – All Secure, No Trespassers
0700	P-#	CP	Hourly Check – All Secure, No Trespassers
0702	CP	P-#	Day Shift Change Complete
0800	P-#	CP	Hourly Check – All Secure, No Trespassers
0900	P-#	CP	Hourly Check – All Secure, No Trespassers
1000	P-#	CP	Hourly Check – All Secure, No Trespassers
1041	CP	P-4	Ellen Gerhart sighted in the AO of Hut Four but quickly shifted in Hut Five's direction.
1048	CP	P-4	Ellen Gerhart came back towards Hut Four, dumped some cat food onto a pile of rolled up tar with 5/50 cord, cat litter, mayonnaise, cat food, and a dirty shirt on a pile of and then withdrew towards the A-FRAME.
1059	CP	P-4	Ellen Gerhart sighted, heading West along the back trail, appears to be heading in the direction of the established shed.
1100	P-#	CP	Hourly Check – All Secure, No Trespassers
1108	CP	P-5	Ellen Gerhart sighted in the AO throwing food onto the RoW however this was not caught on camera.
1200	P-#	CP	Hourly Check – All Secure, No Trespassers
1300	P-#	CP	Hourly Check – All Secure, No Trespassers
1400	P-#	CP	Hourly Check – All Secure, No Trespassers
1500	P-#	CP	Hourly Check – All Secure, No Trespassers
1600	P-#	CP	Hourly Check – All Secure, No Trespassers
1618	CP	P-4	Ellen Gerhart came in from the backtrail to the A-FRAME and was sighted standing in between the camera trailer and the A-FRAME right off the orange fencing and trench – she then began to record with a handheld camera of her own.
1700	P-#	CP	Hourly Check – All Secure, No Trespassers
1717	P-5	P-4	Ellen Gerhart was moving West towards the established she once more – 4 advised and cautioned 5. 5 acknowledged.

Leighton Radio Log

Date: 6 / 28 / 2018

"CP"= Command Post

"S"=Shift Supervisor

"P__"= Post Number

Time	To	From	Comments
1800	P-#	CP	Hourly Check-All Secure, No trespassers
1808	CP	P-4	Bear on ROW, hand held video footage captured.
1809	CP	P-4	Bear climbed over safety fence headed toward P-5 or AFRAME. P-5 spotted bear from afar, it was running southbound away from any personnel
1900	P-#	CP	Hourly Check-All Secure, No trespassers
2000	P-#	CP	Hourly Check-All Secure, No trespassers
2040	CP	P-2	Bear spotted on ROW in AO
2045	CP	PC	PC-JB says bear is headed toward P-3, South of ROW
2057	CP	PC	P-4 will move to P-3 to be out of area of bear sightings. Assets can still be seen and monitored from P-3.
2100	P-#	CP	Hourly Check-All Secure, No trespassers
2102	CP	PC	PC-JB observed bear run into woods, bear is said to have been snorting and appeared agitated.
2107	CP	PC	PC-JB sates that there are fresh Mountain Lion prints in AO if P-5. Between P-4 and P-5 near where the old Drill Pad was. Prints look fresh, as in, within last 12 hours.
2133	CP	PC	PC-JB states not only 1 bear, but 2 now spotted. 1 bear is between P-3 & P-4, South side, headed toward AFRAME and the second bear is walking around AO of P-4 & P-5.
2200	P-#	CP	Hourly Check-All Secure, No trespassers
2300	P-#	CP	Hourly Check-All Secure, No trespassers
0000	P-#	CP	Hourly Check-All Secure, No trespassers
0100	P-#	CP	Hourly Check-All Secure, No trespassers
0200	P-#	CP	Hourly Check-All Secure, No trespassers
0300	P-#	CP	Hourly Check-All Secure, No trespassers
0400	P-#	CP	Hourly Check-All Secure, No trespassers
0500	P-#	CP	Hourly Check-All Secure, No trespassers
0600	P-#	CP	Hourly Check-All Secure, No trespassers

Date: 6 / 30 / 2018

"P__" = Post Number

[illegible]

Date: 7 / 01 / 2018

“P__”= Post Number

[illegible]

Leighton Radio Log

Date: 7 / 01 / 2018

“CP”= Command Post

“S”=Shift Supervisor

“P__”= Post Number

Time	To	From	Comments
1800	P-#	CP	Hourly Check – All Secure, No Trespassers
1900	P-#	CP	Hourly Check – All Secure, No Trespassers
1930	CP	P-2	Caucasian female, brown hair, white t-shirt, blue skirt, on side of ROW between P-2 and P-6. Woman stated that she lives in nearby cabin (between P-1 and P-2) and wanted to check the progress of the line. PC-JB en route.
1930	CP	P-6	Body cam activated to obtain footage of woman.
1936	CP	P-6	Body cam deactivated, woman left AO.
2000	P-#	CP	Hourly Check – All Secure, No Trespassers
2050	CP	PC	PC-JB reports Ellen Gerhart is digging a hole with a shovel directly behind P-4. She has a very foul smelling bag with her. Possibly a dead carcass.
2100	CP	PC	Ellen Gerhart buried a rotting animal carcass in the shallow hole she dug directly behind Hut-4. Her movements will continue to be monitored.
2100	P-#	CP	Hourly Check – All Secure, No Trespassers
2123	CP	P-4	Ellen Gerhart has shovel and bag and is headed West.
2132	CP	PC	PC-JB observes Ellen Gerhart on the West side of the left side of the ROW near P-5's AO. Movements being monitored.
2143	CP	PC	Ellen Gerhart is in area where she has previously tied plastic bags containing rotting animal carcasses up to the trees at P-5
2158	CP	PC	Ellen Gerhart is outside of the Established Shed, it sounds like she is banging pots together
2200	P-#	CP	Hourly Check – All Secure, No Trespassers
2300	P-#	CP	Hourly Check – All Secure, No Trespassers
0000	P-#	CP	Hourly Check – All Secure, No Trespassers
0008	CP	P-2	A bobcat walked along north side of ROW.
0100	P-#	CP	Hourly Check – All Secure, No Trespassers
0200	P-#	CP	Hourly Check – All Secure, No Trespassers
0300	P-#	CP	Hourly Check – All Secure, No Trespassers
0332	CP	PC	One bear spotted on the south side of the ROW near P-5
0345	CP	PC	Two bears spotted now. South side of ROW. Eventually headed east.

Date: 07 / 09 / 2018

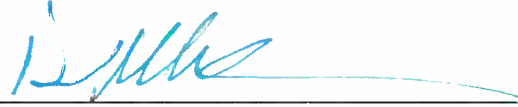
“P__”= Post Number

[illegible]

VERIFICATION

Subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities, I hereby certify that I am a Pipeline Relocation Engineer and the Construction Spread Manager in Spread 3 for Sunoco Pipeline L.P., and that I am authorized to sign this verification on its behalf. I further verify that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information, and belief.

SUNOCO PIPELINE L.P.



Daniel A. Kershner

Dated: 7/26/18

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on this date via email and first-class mail upon the following:

Richard Alan Raiders, Esq.
Raiders Law PC
606 North 5th Street
Reading, PA 19601

Ashley Martin, Esq.
The Law Office of Roy Galloway
4309 Linglestown Road #107
Harrisburg, PA 17112



Alan R. Boynton, Jr.
Attorney for Condemnor

Dated: July 26, 2018